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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,992	07/10/2002	Jonathan Sharp	042933/302069	3264
826	7590	10/18/2007	EXAMINER	
ALSTON & BIRD LLP			PHUONG, DAI	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	
CHARLOTTE, NC 28280-4000			PAPER NUMBER	
			2617	
			MAIL DATE	
			DELIVERY MODE	
			10/18/2007	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/089,992

Applicant(s)

SHARP, JONATHAN

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 07/27/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claim 13 has been canceled. Claims 1-12 are currently pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. 6731959) in view of Inoue et al. (U.S. 6332024).

Regarding claim 1, Kumagai et al. disclose a portable radio communications device, comprising:

a body (fig. 5, col. 3, line 61 to col. 4, line 59);

a cover having a closed position for at least partially covering the body and an open position (fig. 5, col. 3, line 61 to col. 4, line 59);

a display (fig. 5, col. 3, line 61 to col. 4, line 59);

keys accessible 30, 31, 32a and 32b when the cover in closed position, one of the said keys being in a position remote from all other keys 32a and/or 32b (fig. 5, col. 3, line 61 to col. 4, line 59);

wherein the function of the key is dependent upon the state of the device, and for at least one state of the device, operation of the key controls the provision of information on the display (fig. 5, col. 3, line 61 to col. 4, line 59);

wherein the key is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position, and wherein the key is located on the cover (fig. 5, col. 3, line 61 to col. 4, line 59).

However, Kumagai et al. do not disclose one of keys being multifunctional.

In the same field of endeavor, Inoue et al. disclose one of keys being multifunctional 3 (fig. 1, col. 5, lines 1-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable terminal of Kumagai et al. by specifically including one of keys being multifunctional, as taught by Inoue et al., the motivation being in order to provide user-friendly, save space and minimum entry keys and significantly improve the usability.

Regarding claim 2, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein the display comprises a portion which is visible when the cover is in the closed position, and the key is operable to controls the provision of information on the portion of the display visible when the cover is in the closed position (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 3, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device which comprises a receiver (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 4, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a message, the key is operable to controls the provision of information corresponding to the message (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 5, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a missed call, the key is operable to controls the provision of information corresponding to the missed call (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 6, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device which comprises a transmitter (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 7, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein, when the device is in an idle state, the key is operable to controls the provision of information corresponding to the last number dialed (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 9, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein operation of the key is a single actuation (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 10, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device further comprising a hinge switch for detecting when the cover makes a specific acute angle with the body (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 11, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 10. Further, Kumagai et al. disclose a device further comprising a processor for detecting, via the hinge switch, when the cover is in the open position and when the cover is in the closed position (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 12, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 11. Further, Kumagai et al. disclose a device wherein the processor is arranged to disable the multifunctional key when the cover is in the open position (fig. 5, col. 3, line 61 to col. 4, line 59).

Regarding claim 13, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. Further, Kumagai et al. disclose a device wherein the multifunctional key is located on the cover (fig. 5, col. 3, line 61 to col. 4, line 59).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (U.S. 6731959) in view of Inoue et al. (U.S. 6332024) and further in view of Kim (U.S. 6519475).

Regarding claim 8, the combination of Kumagai et al. and Inoue et al. disclose all the limitations in claim 1. However, the combination of Kumagai et al. and Inoue et al. do not disclose a device arranged for coupling to a headset, and when the device is in a headset coupled state, key is operable to controls the provision of information corresponding to the last number dialed.

In the same field of endeavor, Kim discloses a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed (col. 3, lines 48-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable terminal of the combination of Kumagai et al. and Inoue et al. by specifically including a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed, as taught by Kim, the motivation being in order to provide the operational mode of the mobile phone to change from the telephone mode to the idle mode in response to the second mode signal.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 10-06-2007

  
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